

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST
LITIGATION

Civil No. 18-1776 (JRT/HB)

This Document Relates To:

ALL ACTIONS

**DEFENDANT TRIUMPH FOODS,
LLC’S MOTION TO DISMISS
PLAINTIFFS’ CONSOLIDATED
AMENDED CLASS ACTION
COMPLAINTS FOR FAILURE TO
STATE A CLAIM UPON WHICH
RELIEF MAY BE GRANTED**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Triumph Foods LLC moves for dismissal of the Direct Purchaser Plaintiffs’ First Amended and Consolidated Class Action Complaint (“DPP Compl.”),¹ the Commercial Food Preparers’ First Amended and Consolidated Class Action Complaint (“CFP Compl.”),² and the Consumer Consolidated Class Action Complaint (“IPP Compl.”).³

¹ *Maplevale Farms, Inc. v. Agri Stats, Inc.*, No. 18-cv-1803 (Dkt. 83); *John Gross & Co. v. Agri Stats, Inc.*, No. 18-cv-1803 (Dkt. 70); *Ferraro Foods, Inc. v. Agri Stats, Inc.*, No. 18-cv-1946 (Dkt. 59); *Olean Wholesale Grocery Coop. v. Agri Stats, Inc.*, No. 18-cv-2058 (Dkt. 64); *Phil’s BBQ, Inc. v. Agri Stats, Inc.*, No. 18-cv-2390 (Dkt. 34); *Joe Christiana Food Distribs., Inc. v. Agri Stats, Inc.*, No. 18-cv-2405 (Dkt. 9).

² *Sandee’s Bakery v. Agri Stats, Inc.*, No. 18-cv-1891 (Dkt. 63); *Bear’s Restaurant Grp. v. Agri Stats, Inc.*, No. 18-cv-2113 (Dkt. 54).

³ *Duryea v. Agri Stats, Inc.*, No. 18-cv-1776 (Dkt. 74); *Litter v. Agri Stats, Inc.*, No. 18-cv-2008 (Dkt. 70); *Realdine v. Agri Stats, Inc.*, No. 18-cv-2044

This Motion is supported by the Memorandum of Law in Support of Defendant Triumph Foods LLC's Motion to Dismiss Plaintiffs' Consolidated Amended Class Action Complaints and all of the files, records, and proceedings herein.

Date: October 23, 2018.

Respectfully Submitted

/s/ Gene Summerlin

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(Dkt. 66); *Allison v. Agri Stats, Inc.*, No. 18-cv-2337 (Dkt. 32); *Anderson v. Agri Stats, Inc.*, No. 18-cv-2338 (Dkt. 32).